IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2536 OF 2004

Balu Rajaram Garud & Ors.. ..... Petitioners.

Versus

The State of Maharashtra & Ors. ..... Respondents.

Mr.K. V. Saste for the Petitioners.

Mr. C.R.Sonawane,AGP for Respondents.

CORAM : S. RADHAKRISHNAN &

S. A. BOBDE, JJ.

DATED : 8TH DECEMBER, 2004.

P.C.:

Heard learned Counsel for the Petitioners and the learned Asstt. Government Pleader for the Respondents.

2. Rule.

3. Mr. Sonawane, learned Asstt. Government Pleader appears and waives service of Rule on behalf of the Respondents.

4. By consent, Rule made returnable and taken up for

hearing forthwith.

5. By this petition, the Petitioners are challenging the order dated 31st December, 2002 passed in Appeal whereby the Respondent No.2 Committee has invalidated the Petitioners' claim as belonging to Mahadeo Koli, a Scheduled Tribe.

6. We have perused the order which is impugned herein. The said order contains absolutely no reason and there is no application of mind with regard to the documents tendered in support of the claim. Under the aforesaid facts and circumstances, on the limited ground, as the order is totally cryptic and does not contain proper reasons, we are inclined to quash and set aside the said order and remand the matter back to the Respondent No.2 Committee to again give a fresh hearing to the Petitioners and to decide the matter in accordance with the law by a reasoned and speaking order.

7. Accordingly, the impugned order dated 31st December, 2002 passed in Appeal, being Exhibit "F" to the Petition, is quashed and set aside and the matter is remanded back to the Respondent No.2 Committee to

decide the same by a reasoned and speaking order as expeditiously as possible after affording personal hearing to the Petitioners and preferably on or before 30th April, 2005.

8. The Petitioners shall appear before the Respondent No.2 Committee on 10th January, 2005 to enable the Committee to fix the schedule of hearing.

9. Rule made absolute as above. Writ Petition stands disposed of accordingly. No order as to costs.

Sd/-

(S. RADHAKRISHNAN,J.)

Sd/-

(**S. A. BOBDE, J.**)